

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, a Washington limited liability company, HUNTERS PROPERTY HOLDINGS, LLC, a Washington limited liability company, GREENUS BUILDING, INC., a Washington corporation. SRJ ENTERPRISES, d/b/a CAR TENDER, a Washington corporation, THE RICHMARK COMPANY d/b/a RICHMARK LABEL, a Washington company, ONYX HOMEOWNERS ASSOCIATION, a Washington registered homeowners association, MATTHEW PLOSZAJ, an individual, WADE BILLER, an individual, MADRONA REAL ESTATE SERVICES LLC, a Washington limited liability company, MADRONA REAL ESTATE INVESTORS IV LLC, a Washington limited liability company, MADRONA REAL ESTATE INVESTORS VI LLC, a Washington limited liability company, 12<sup>TH</sup> AND PIKE ASSOCIATES LLC, a Washington limited liability company, REDSIDE PARTNERS LLC, a Washington limited liability company, OLIVE ST APARTMENTS LLC, a Washington limited liability corporation, BERGMAN'S LOCK AND KEY SERVICES LLC, a Washington limited liability company, on behalf of themselves and others similarly situated, SHUFFLE LLC d/b/a CURE COCKTAIL, a

Case No. 2:20-cv-00983-TSZ

DECLARATION OF BRAD  
AUGUSTINE IN SUPPORT OF  
RESPONSE IN SUPPORT OF MOTION  
TO SEAL

Noted: February 25, 2022

1 Washington limited liability company, and  
2 SWAY AND CAKE LLC, a Washington  
limited liability company,

3 Plaintiffs,

4 vs.

5 CITY OF SEATTLE,  
6

7 I, Brad Augustine, declare as follows:

8 1. I am over eighteen years of age and am competent to testify herein. I make the  
9 following statements based on my personal knowledge.  
10

11 2. I am the managing member of Madrona Real Estate Services, LLC. I have over  
12 44 years of real estate management and development experience. I am a part owner of and play  
13 a management role in 12<sup>th</sup> and Pike Associates LLC, Madrona Real Estate Investors IV, LLC  
14 and Madrona Real Estate Investors VI, LLC (collectively, these entities are referred to as the  
15 “Madrona Entities” herein), who are plaintiffs in this lawsuit.

16 3. I understand that the City has filed some materials containing the Madrona  
17 Entities’ confidential information under seal or with redactions.

18 4. The Madrona Entities keep the terms of their leases confidential and disclosure of  
19 items such as the rent rate, the duration of the leases, the term dates, and the amount of revenues  
20 that the Madrona entities earn would cause competitive harm if they were publicly disclosed.

21 5. In addition, disclosure of this information would also harm our third-party tenants  
22 as it would reveal some of their business expenses.

23 6. Disclosure of this information would negatively affect the Madrona Entities’  
24 ability to obtain new tenants in the future, as prospective tenants would be able to use this

1 information to negotiate lease terms with the Madrona Entities. Capitol Hill is a highly  
2 competitive leasing market.

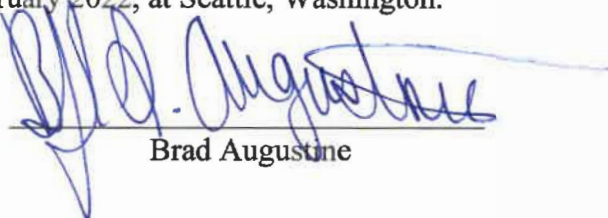
3 7. Moreover, the Madrona Entities also keeps their negotiations with tenants for rent  
4 reductions confidential, as well as any agreements relating to rent reductions, and disclosure  
5 could impact the Madrona entities' ability to negotiate rent reductions with their tenants in the  
6 future.

7 8. In addition, the Madrona Entities keep their monthly and yearly revenue figures  
8 confidential, and disclosure of such figures would cause competitive harm as it would reveal the  
9 financial condition of the businesses. Most privately held businesses that are not required to  
10 report this information do not willingly disclose this type of information.

11 9. It is my opinion that the disclosure of such confidential information would cause  
12 competitive harm.

13 I declare under the penalty of perjury under the laws of under the laws of the United States  
14 and the State of Washington that the foregoing is true and correct.

15 DATED this 22<sup>nd</sup> day of February 2022, at Seattle, Washington.

16  
17   
18 Brad Augustine